

CITY OF MUSKEGON  
**ZONING BOARD OF APPEALS**  
REGULAR MEETING  
MINUTES

**July 14, 2015**

Vice Chairman E. Fordham called the meeting to order at 4:00 p.m. and roll was taken.

MEMBERS PRESENT: B. Larson, E. Carter, E. Fordham, S. Warmington, T. Halterman,  
W. German

MEMBERS ABSENT: R. Hilt, excused

STAFF PRESENT: M. Franzak, D. Renkenberger

OTHERS PRESENT: P. Bergeman, 15703 Rannes, Spring Lake

APPROVAL OF MINUTES

A motion that the minutes of the regular meeting of June 9, 2015 be approved was made by S. Warmington, supported by E. Carter and unanimously approved.

PUBLIC HEARING

**Hearing; Case 2015-05:** Request for a variance from Section 1100 of the Zoning Ordinance to allow a single family residential home in a B-2, Convenience and Comparison Business district at 631 E. Laketon Avenue. M. Franzak presented the staff report. This property is located in a B-2, Convenience and Comparison Business District, and single-family homes are not allowed in this district. The building on the property was used as a single-family residential home for many years, but was eventually rezoned to B-2. It was then used as several different office-type uses. A rezoning back to R-1, Single-Family Residential is not possible because it does not meet the minimum lot size standards of 6,000 square feet; the lot measures 37' x 128', for a total of 4,736 square feet. The property also does not meet the minimum lot size requirements for B-2 zones, which is 10,890 square feet. The request is to allow a single-family residential use on the property while continuing the B-2 zoning. Notice was sent to all property owners within 300 feet. Staff did not received any comments from the public. Staff recommends approval of the request because the structure was originally built as a single-family residential home and the ordinance amendments have caused the hardship.

W. German asked if a business could still be run there, if the variance was approved. M. Franzak stated that a small business would still be allowed, per the B-2 zoning. The variance would allow a residential use in the B-2 district. P. Bergeman stated that he wanted to turn this into a single family home, clean up the property, and either rent it or sell it. W. German asked if the inside layout was conducive to a single family home. P. Bergeman explained the layout, stating that it should not be too difficult to convert it back to a residence. W. German asked if the back paved parking lot was part of the property. P. Bergeman stated that it was.

A motion to close the public hearing was made by S. Warmington, supported by W. German and unanimously approved.

E. Fordham asked staff if the house would require a certificate of occupancy before it could be used as a residence. M. Franzak stated that it would. He also stated that this property would be suitable for residential use, since it was on the edge of a residential neighborhood and it was originally built as a single family home. Since there were residences all around this parcel, the variance should not cause any hardship to the neighborhood. It was not originally zoned as a business, but rather the zoning was changed after the house was built.

The following findings of fact were offered: a) That there are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property that do not apply generally to other properties or class of uses in the same zoning district, b) That such dimensional variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zoning district and in the vicinity, c) That the authorizing of such dimensional variance will not be of substantial detriment to adjacent property and will not materially impair the purposes of this chapter or the public interest, d) That the alleged difficulty is caused by the Ordinance and has not been created by any person presently having an interest in the property, or by any previous owner, e) That the alleged difficulty is not founded solely upon the opportunity to make the property more profitable or to reduce expense to the owner, and f) That the requested variance is the minimum action required to eliminate the difficulty.

A motion that the use variance request to allow a single-family residential home at 631 E. Laketon Avenue be approved, was made by S. Warmington, supported by B. Larson and unanimously approved, with B. Larson, E. Carter, E. Fordham, S. Warmington, T. Halterman, and W. German voting aye.

#### OLD BUSINESS

None

#### OTHER

None

There being no further business, the meeting was adjourned at 4:18 p.m.